REMARKS

This paper is responsive to a Final Office Action mailed September 3, 2008. Prior to this response, claims 1-47 were pending. After amending claims 1, 14, 24, 37, and 47, claims 1-47 remain pending.

Section 1 of the Office Action objects to claim 14 under 37 CFR 1.75(a). In response the claim has been amended as suggested.

In Section 3 of the Office Action, claims 1, 3, 8, 14, 16, 24, 26, 31, 37, and 47 have been rejected under 35 U.S.C. 102(b) as anticipated by Mayer et al. ("Mayer"; US 6,449,003). The Office Action states that Mayer discloses all the limitations of claims 1, 14, 24, 37, and 47, citing col. 1, ln. 19, col. 4, ln. 39, and col. 8, ln. 56. This rejection is traversed as follows.

In col. 1, ln. 19-23, Mayer discloses a description of a prior art interlacing method where first and second fields are transmitted in *alternating* video frames. In contrast, the claimed invention recites a *single* video frame with 2 interlaced fields.

In the ***Response to Arguments*** Section of the Office Action, it states that Mayer teaches each frame being transmitted as two fields in alternation, and that viewed as a sequence of frames, one field is interlaced with the other. In contrast, claims 1, 14, 24, 37, and 47 all recite that the top and bottom fields are both associated with a first frame. Since "a first frame" is not a sequence of frames, the Applicant respectfully submits that Mayer's method of alternating fields in a sequence of frames cannot be interpreted to read upon one frame with 2 fields. However, to more clearly distinguish that first frame from a sequence of frames, the independent claims have been amended to a recite "a single first video frame".

Mayer does not disclose a system where top and bottom fields are both encoded in (decoded from) a single video frame, as recited in independent claims 1, 14, 24, 37, and 47. Therefore, Mayer does not disclose every limitation of these claims. Since Mayer does not disclose explicitly disclose every limitation, he cannot anticipate these claims. Claims 3 and 8, dependent from claim 1, claim 16, dependent from claim 14, and claims 26 and 31, dependent from claim 24, enjoy the same advantages over the prior art, and the Applicant respectfully requests that the rejection be removed.

In Section 4 of the Office Action claim 13 has been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Mayer in view of Berry et al. ("Berry"; US 6,081,270). The Office Action acknowledges that Mayer fails to fails to disclose the presentation a 2D image simultaneously with a 3D image. The Office Action states that Berry discloses such a feature, and that it would have been obvious to combine the 2D/3D display of Berry with Mayer to provide optimum ease of use and productivity in a single seamless user environment. This rejection is traversed as follows.

At col. 4, ln. 26, Berry discloses a 2D presentation plane used in conjunction with a 3D virtual world. Berry does not any details concerning the coding or transmission of information in a video frame.

The ***Response to Arguments*** Section of the Office Action states that Berry discloses the simultaneous presentation of 2D and 3D information, and that a detailed description of how to implement the combination is beyond the requirements for a U.S.C. 103 rejection, citing MPEP 2121.01 II.

In traverse, the Applicant notes that the combination of 2D and 3D is not particularly relevant to the claim limitations at issue. As noted

above, Mayer fails to disclose a single video frame with interlaced top and bottom fields. To support the obviousness rejection, the combination of references must disclose or suggest all the claim limitations. Therefore, the obviousness rejection is supported only if Berry either explicitly discloses this limitation, or suggests a modification to Mayer that would make the claimed limitation obvious. For example, if Berry suggested that 2D and 3D information could be carried in a single video frame, this might possibly suggest to a practitioner that Mayer's alternating field method could be modified into a method where a single video frame carries top and bottom interlaced fields. However, Berry does not suggest any details that suggest such a modification.

Alternately stated, the Berry reference "is prior art for all that it teaches." Berry does not teach the combination of 2D and 3D information into a single video frame. More important to the claim limitations at issue, Berry does not teach the interlacing of top and bottom fields in a single video frame.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Mayer and Berry does not explicitly disclose every limitation of claim 1. Neither has a case been supported that Mayer can be modified to supply the missing limitations in view of Berry, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claim 13 be removed.

In Section 5 of the Office Action, claims 2, 4-5, 25, and 27-28 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Mayer in view of Hannuksela (US 2004/0218816) and Wang et al. ("Wang";

US 2004/0096109). The Office Action acknowledges that Mayer fails to disclose MPEG2, MPEG4, and H.264 standards, but that Hannuksela and Wang disclose such a feature, and that it would have been obvious to use the coding standards disclosed by Hannuksela/Wang with the 3D system of Mayer to compress video information. This rejection is traversed as follows.

The ***Response to Arguments*** Section again cites MPEP 2121.01 II. However, the issue is not whether Hannuksela/Wang supply a detailed explanation of MPEG or H.264 standards. The combination of Mayer with Hannuksela/Wang is flawed for other reasons. As noted above in response to the anticipation rejection, Mayer does not disclose a single video frame with interlaced top and bottom fields. To support the obviousness rejection, Hannuksela/Wang must either explicitly disclose this limitation, or suggest a modification to Mayer that would make the claimed limitation obvious. However, the MPEG and H.264 standards do not teach a practitioner that Mayer's alternating field method could be modified into a method where a single video frame carries top and bottom interlaced fields.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Mayer/Hannuksela/Wang does not explicitly disclose every limitation of claims 1, 14, and 24. Neither has a case been supported that Mayer can be modified to supply the missing limitations in view of Hannuksela/Wang, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claims 2, 4-5, 25, and 27-28 be removed.

In Section 6 of the Office Action, claims 9, 15, 20, 32, 38, and 43 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to

Mayer in view of Wiegand et al. (IEEE 2003). The Office Action acknowledges that Mayer fails to disclose MPEG2, MPEG4, and H.264 transmission standards, but that Wiegand discloses such a feature, and that it would have been obvious to use the encoding standards disclosed by Wiegand with the 3D system of Mayer to provide a bit rate savings. This rejection is traversed as follows.

The ***Response to Arguments*** Section again cites MPEP 2121.01 II, and improperly summarizes the Applicant's argument in the previous response. It is not relevant to the Applicant's argument that the combination of Mayer and Wiegand teach an improved method of bit saving. Rather, the Wiegand reference is only relevant as a prior art reference if it discloses a single video frame with interlaced top and bottom fields, or suggests a modification to Mayer that would make the claimed limitation obvious. However, Wiegand does not suggest such a modification.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Mayer and Wiegand does not explicitly disclose every limitation of claims 1, 14, 24, and 37. Neither has a case been supported that Mayer can be modified to supply the missing limitations in view of Wiegand, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claims 9, 15, 20, 32, 38, and 43 be removed.

In Section 7 of the Office Action, claims 10-12, 21-23, 33-35, and 44-46 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Mayer in view of Wiegand and Nelson (US 2002/0009137). The Office Action acknowledges that Mayer/Wiegand fail to disclose predictive frame information, but that Nelson discloses such a feature, and that it would have

been obvious to use the predictive information disclosed by Nelson with the 3D system of Mayer/Wiegand to improve bandwidth efficiency. This rejection is traversed as follows.

The ***Response to Arguments*** Section again cites MPEP 2121.01 II, and improperly summarizes the Applicant's argument in the previous response. It is not relevant to the Applicant's argument that the combination of Mayer, Wiegand, and Nelson teach a method for improved bandwidth efficiency. Rather, the Wiegand and Nelson references are only relevant as a prior art reference if they disclose a single video frame with interlaced top and bottom fields, or suggest a modification to Mayer that would make the claimed limitation obvious. However, Wiegand and Nelson do not suggest such a modification.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Mayer, Nelson, and Wiegand does not explicitly disclose every limitation of claims 1, 14, 24, and 37. Neither has a case been supported that Mayer can be modified to supply the missing limitations in view of Wiegand and Nelson, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claims 10-12, 21-23, 33-35, and 44-46 be removed.

In Section 8 of the Office Action, claims 17-19 and 40-42 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Mayer in view of Wiegand and Inuzuka et al. ("Inuzuka"; US 6,784,891). The Office Action acknowledges that Mayer/Wiegand fail to disclose transmitting an SEI option, but that Inuzuka discloses such a feature, and that it would have been obvious to use the SEI message of Inuzuka with the 3D system of

Mayer/Wiegand to avoid encoding and sending information that is not used. This rejection is traversed as follows.

The ***Response to Arguments*** Section again cites MPEP 2121.01 II, and improperly summarizes the Applicant's argument in the previous response. It is not relevant to the Applicant's argument that the combination of Mayer, Wiegand, and Inuzuka teach a method to avoid encoding/decoding information that is not used. Rather, the Wiegand and Inuzuka references are only relevant as a prior art reference if they disclose a single video frame with interlaced top and bottom fields, or suggest a modification to Mayer that would make the claimed limitation obvious. Wiegand and Inuzuka do not suggest such a modification.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Mayer, Nelson, and Inuzuka does not explicitly disclose every limitation of claims 14 and 37. Neither has a case been supported that Mayer can be modified to supply the missing limitations in view of Wiegand and Inuzuka, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claims 17-19 and 40-42 be removed.

In Section 9 of the Office Action, claims 6-7, 29-30, and 36 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Mayer in view of Yun et al. ("Yun"; US 2003/0095177). The Office Action acknowledges that Mayer fails to disclose displaying a 2D image as an alternative to a 3D image, but that Yun discloses such a feature, and that it would have been obvious to use the 2D/3D mode selection of Yun with the 3D system of Mayer to permit a user to select suitable data. This rejection is traversed as follows.

The Yun reference has been combined with Mayer predicated upon the assumption that Mayer discloses all the limitations of independent claims 1 and 24. However, as noted above in response to the anticipation rejection, Mayer fails to disclose a system where top and bottom fields are coded in a single video frame. Therefore, even if the mode selection of Yun is combined with Mayer, the combination still fails to disclose the above-mentioned limitations. Claims 6-7, dependent from claim 1, and claims 29-30 and 36, dependent from claim 24, enjoy the same advantages.

The Office Action states it would have been obvious to use the mode selection of Yun with Mayer to permit a user to select suitable data. However, this statement does not explain how a practitioner in the art could have modified the Mayer reference to yield all the claimed invention limitations. As explained above, even when combined, Yun and Mayer fail to disclose all of the claimed invention limitations. The above-quoted statement from Office Action does not explain how even a person with skill in the art could have modified Mayer's alternating H and V line polarizations to enable all the claimed limitations. Alternately stated, the Applicant's novel limitations cannot be inspired simply by a desire to select between 2D and 3D modes. Rather, there must be an explicit teaching in Yun reference that shows a practitioner how Mayer can be modified to yield the claimed invention. Such a *prima facie* case has not been made.

Since the combination of references neither explicitly discloses all the claim limitations, nor suggests modification to Mayer that would make all the limitations obvious, the Applicant requests that the rejection of claims 6-7, and 29-30, and 36 be withdrawn.

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Respectfully submitted,

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